

Let the record show it is 3 pm on April 22, 2009 and this public hearing is being held at the Moses Lake Fire Station, 701 E. Third Avenue, Moses Lake, Washington. The primary purpose of this hearing is to receive public comments on the proposed modification to the municipal stormwater general permit.

The legal notice of this hearing was published in the Washington State Register on March 18, 2009. The legal notice is also posted on the Ecology website.

When I call your name, please step up to the microphone, and give your name, address, who you represent and provide your comments for the record.

Any testimony received at this hearing, along with the written or video comments received will be part of the official hearing record for this proposal.

The first person I have on my list is Gene Patterson.

Testimony of Gene Patterson:

Hello, my name is Gene Patterson, I work for Washington State University, Environmental Health and Safety, PO Box 641172, Pullman, Washington, 99164. I have a written statement I would like to read from our administration. I'm just the messenger, so please don't shoot the messenger...don't put that in the record either. I'll leave this piece of paper with you. Anyway, Washington State University appreciates the Department of Ecology's willingness to accept changes to the municipal stormwater permit. WSU wants to work with Ecology to protect water quality; however, WSU has lost environmental and maintenance staff to retirements and transfers and with the hiring freeze is already experiencing the effects of limited resources. This will affect WSU's ability to comply with the permit in the coming biennium. We hope to receive some funding from the legislature and will use those resources wisely. Nevertheless, we are concerned that funding and staffing levels may not be sufficient for us to comply with all parts of the municipal stormwater permit. Some sections in the permit will be difficult for WSU to comply with given the state of the budget and staffing. We request that the permit be modified to require only the development of plans and procedures and delay implementation of those plans and procedures until the next permit cycle. Examples include under S6D3 illicit discharge protection and elimination, Section D. WSU can develop the plans and procedures to identify and remove illicit discharges, but we will likely need to delay the implementation of the plans and procedures until the next permit cycle. Another example is S6D6, pollution prevention and good housekeeping for municipal operations, Section A. WSU can also develop the municipal operations and maintenance plan, but will likely need to delay implementation of the plan until the next permit cycle. WSU believes that the delay in implementation of these and other portions of this permit until the next permit cycle will not materially affect water quality in our region of the state and it will also allow us to more effectively and efficiently utilize our limited resources. As you know, the state budget is not yet completed, so we are still somewhat in the dark as to what resources will be available to us to comply with the permit. We doubt that we will have the needed information by the May 1 deadline for submitting comments to the permit. Therefore, we also request that Ecology extend the written comment deadline for a few more weeks to give us a better opportunity to assess the impact of the budget cuts on our stormwater efforts. WSU thanks the Department of Ecology for this opportunity to provide input to change the permit, given the economic situation and limited staff and funds available to meet the permit requirements during these trying economic times. Thank you very much.

The next person I have is Glenn Johnson.

Testimony of Glenn Johnson:

Glenn Johnson, Mayor of Pullman, and we also have a number of other representatives here from Pullman here today, some will be addressing the impact of these regulations on private industry, on some of our businesses – you’ve heard WSU’s impact already. What we are asking for, and this letter has already been sent to the Department of Ecology, we are asking if possible, we would like to have the Phase II requirements rolled back for at least two years, actually from year three to year one. And if we were granted, we would continue our fulltime stormwater manager, Rob Buchert who is here today and he will be testifying as well, and under that, our community stormwater education program would continue, all the initiatives are underway – we will continue that. But that rollback would help our businesses, especially in these dire economic times, especially with WSU and some others. We would not have to hire additional personnel to help with stormwater maintenance. It would help us considerably to get through this time period. Pullman budget right now is being impacted but we know it is going to be more impacted probably in 2010 and we have been going through our budget cycle worrying about exactly how we can do all the different requirements the Department of Ecology is putting on us right now and so this way, we would not have to impose upon our businesses, upon our residents, additional fees – and we’ve even rolled those fees back – they are only \$3 dollars per month instead of the initial proposal that we were talking about a \$10 or \$15 dollar fee. Even those fees aren’t enough when we start looking at how many pervious parking lots are out in the region for churches, for schools, for hospitals, for Schweitzer Engineering, WSU and all the others, it has a tremendous impact financially on our community. So, the relief would keep stormwater utility costs to a minimum, allowing us to fund these costs from our street fund; stormwater fees would also be deferred for two years and that would hopefully get us through the stimulus package. So, as a City, that’s our proposal right now. We’ve been obviously working, trying to comply and doing all the things we’re required to do. If we could have that rollback, we think it would help our City, help the university, help our businesses through these definite tough times as far as the economy is concerned. That’s our proposal.

John Sherman?

Testimony of John Sherman:

Like the mayor, I have also already sent in our letter of comment but I did want to emphasize several points. First of all, we recognize Ecology is trying to treat everyone the same and we do argue that Pullman is in somewhat of a unique position in terms of the entire process today and for that, we are asking some unique considerations. First, we would like to express our sincere appreciation to all the Department of Ecology officials who have taken the time to speak with us by phone or in person to listen to our concerns. We also commend the Department of Ecology for sending representatives to Pullman to participate in our City Council meetings and public forums on stormwater. My comments today are just going to focus briefly on a few of the very many points which we have in detail. I will provide a copy of that as well that summarizes the full level of activity that the City of Pullman has engaged in with respect to the stormwater issue.

The City of Pullman has expressed its concerns regarding the Phase II Permit requirements in a timely manner – and I think that’s very important because not everyone did. In our case, WSU did as well, and so did Schweitzer Engineering. They all filed timely back in 2006 before the May 19 deadline. So, we do

have standing that many others do not have because we have followed all of the deadlines that Ecology set forth for providing comments and appeals. The letter that we sent to the Department of Ecology regarding our request for exclusion from the Phase II permit had many statements in it, but I would just read one:

Pullman and the surrounding area are characterized by rolling hills, steep slopes and *highly* erodible soils. The relative impermeability of the soil virtually eliminates the use of infiltration for stormwater treatment, which results in close to 100% runoff.

And what I'd like to emphasize here is the Department of Ecology has recognized this – that's why you a Western Washington permit and an Eastern Washington permit, because you recognize there are differences. And there is as much difference as night and day in between the conditions in Spokane, for example, and 75 miles to the south in Pullman. In Spokane you have an aquifer that is very easily penetrated by pollutants, whereas in Pullman we have the Grande Ronde aquifer with clay soils which is almost impossible to recharge. So it's night and day – so one broad brush thing where everybody should be treated equally is even recognized by Ecology not to be the appropriate approach. This unique condition has not been disputed by the Department of Ecology. As a matter of fact, at the City Council meeting on September 26, 2006, Dave Duncan, who's with us today, stated on the record that "Pullman has perhaps the most difficult situation in the whole state with regards to soils." That is just common fact, that is not a disputable issue and what Dave said is to be held against him – that's a correct assessment of our soil's condition.

On March 6, 2007, the City Council passed a resolution authorizing the City of Pullman to join a coalition of 33 cities and counties for the purpose of appealing the Phase II stormwater permit. So we were timely in filing a letter for exclusion, we were timely in filing an appeal. Once again we're narrowing down the list of cities and counties that would be a unique position for relief and we have met all the deadlines. It was noted at the meeting that it was the opinion of many of the affected cities that the Department of Ecology had exceeded the requirements of the Clean Water Act to the extent that significant and unwarranted financial burdens will be placed on these municipalities and the citizens residing therein. In summary, the city of Pullman did timely file the official request not to be included under the Phase II Stormwater Permit as well as its appeal of its inclusion under the permit.

The following paragraphs are a small sampling of the numerous contacts we have had with Department of Ecology officials to express our concerns about the impact of the Phase II Stormwater Permit regulations on Pullman. City officials have also made extensive contacts with state officials including the Governor and our 9th District state legislators and the mayor, Glenn Johnson, has met directly with Governor Gregoire and discussed the stormwater issue. And our mayor, by the way, is vice president of the Association of Washington Cities.

On June 17, 2008, representatives of the city of Pullman and the Pullman Chamber of Commerce, Tammy Lewis who is at this meeting, met with David Knight, Unit Supervisor of the Water Quality Program of the Department of Ecology and Michele Vazquez, Regulatory Assistance Lead for the Eastern

Region of the Governor's Office of Regulatory Assistance, to discuss our concerns for having reasonable and attainable stormwater requirements for Pullman.

On February 18, 2009, representatives of the city of Pullman met with Department of Ecology officials in Olympia to discuss the Phase II Stormwater Permit. And I have a long list of those who were in attendance that Keith Bloom, who is our mayor pro tem was in the chair for the City of Pullman for that presentation.

On March 12, 2009, a meeting was held in Pullman with representatives from WSU, the city of Pullman, and the Department of Ecology. Harriet Beale and David Knight were in attendance at that meeting from Ecology. Both the city and WSU requested financial relief from the costly requirements of the Phase II stormwater permit. Both the city of Pullman and WSU officials requested a two-year delay in further implementation of the permit. They pledged to continue present levels of effort if the two-year delay were to be granted. The city also agreed to recommend a two-year suspension in stormwater utility charges that would coincide with the two-year deferral by the Department of Ecology.

On April 7, 2009, the Washington State House of Representatives Ways and Means Committee unanimously passed a budget proviso that stated, "The department shall delay compliance requirements for the National Pollution Discharge Elimination System (NPDES) Phase II Permit schedule for the city of Pullman until the next scheduled permit reissuance in 2012." The budget proviso also sponsored by 9th District State Representative Joe Schmick and 17th Legislative District State Representative Deb Wallace out of the Vancouver area.

On April 8, 2009, city of Pullman and WSU representatives participated in a conference call with WSU President Elson S. Floyd, Department of Ecology Director Jay Manning and key members of his staff. WSU and city of Pullman representatives stated the reasons they objected to their inclusion under the Phase II Stormwater Permit and why they were seeking a two-year delay in the permit. Ecology Director Jay Manning stated that neither the Department of Ecology nor the Environmental Protection Agency would remove Pullman from the Phase II Permit. The city of Pullman and WSU had requested removal because neither neighboring Oregon nor Idaho had included all of their bubble cities under the Phase II requirements. We felt this was clear evidence that Ecology had gone beyond the requirements of the Clean Water Act by including Pullman which has no possibility of ever having salmon or shellfish. Additionally, we noted that the draft TMDL for the South Fork of the Palouse River and its tributaries that flow through Pullman contain the following language on Page 16:

The recreational use for the SF Palouse River and tributaries is designated as "*Primary Contact*" use. The *Primary Contact* use is intended for waters "where a person would have direct contact with water to the point of complete submergence including, but not limited to, skin diving, swimming, and waterskiing."

Skin diving, swimming, and waterskiing are about as likely to occur in the South Fork of the Palouse and its tributaries as is salmon spawning or shellfish protection. To then state within the draft TMDL that "even shallow waters may warrant primary contact protection" is tantamount to saying all waters should have Phase II protection. Furthermore, such a statement runs directly counter to what the TMDL

designation of "*Primary Contact*" is intended for. To say that *Primary Contact* is intended for waters with activities like skin diving, swimming, and waterskiing" and then to say that it applies to any shallow water is contradictory.

We also noted that TMDL which is the Total Maximum Daily Loading samplings showed decreased problems downriver from Pullman in the following language on page 86 of the draft TMDL:

"In comparison to the upriver portions of the SF Palouse, most of the lower portion of the SF Palouse had fewer water quality standards violations and generally decreased FC bacteria counts."

We also noted that even if you kept Pullman under the Phase II requirements, it would make little difference within a few miles further downstream because of the influence of the city of Colfax. Page 86 the draft TMDL states:

"The bacteria counts within the city of Colfax were very high during both the dry and wet seasons."

In summary we emphasized that Ecology was not forced to include Pullman as a Phase II Permit city because of the Federal Clean Water Act, but rather chose to include all of its bubble cities even though neighboring Oregon and Idaho did not. Secondly, we do not have migratory fish or shellfish, nor do we have the recreational water uses cited within the draft TMDL under the definition of "*Primary Contact*". Finally, the draft TMDL shows fewer water quality standards violations and generally decreased FC bacteria counts below Pullman and above Colfax, but high bacteria counts in Colfax.

During the conference call we were told by Ecology staff to cite the information at the bottom of page one of the information provided on the Eastern Washington Phase II Municipal Stormwater Permit proposed modifications. This statement reads:

In addition to the proposed changes we have identified, Ecology is interested in reviewing proposals that would reduce costs of permit compliance including, but not limited to, extending interim deadlines in the permit.

Since we're not limited to extending interim deadlines, we are not requesting the extension of interim deadlines, rather we are requesting and feel that we are very well positioned because of our standing in appealing the inclusion of the Phase II and appealing the permit, we are requesting a two-year extension so that it would no longer be a five year permit but a seven year permit. Since the proposals are not limited to exceeding the interim deadlines then, we are requesting a two year extension from 2012 to 2014 for the city of Pullman based upon the environmental facts I have noted in this letter. Should you choose to grant this request, it will have a substantial positive benefit for Pullman because we will suspend our stormwater utility charges for two years. Then I have included a graph that shows what the savings would be to various businesses and organizations, our charge to Washington State University for year one is \$119,016. And I want to ask you based upon, this is a rhetorical question, but based upon the benefits that are going to be derived as demonstrated by your own draft TMDL and

acknowledging the fact that the house budget contains a 28 to 29 percent reduction for funding for WSU, the senate budget a 20 percent reduction, knowing that there are going to be substantial layoffs and staff, facility and that the number of students who are going to be able to seek higher education are going to be limited, does it make sense to charge – this is just the City of Pullman charge – an additional \$119,000 that could be used to save jobs or allow students to go to school. Not alone, the much charges that are being incurred by WSU in permit compliance. I submit it makes no sense. Year two savings, \$198,360. The school district also facing significant cuts, \$14,508 in year one, \$24,180 in year two. Schweitzer Engineering Labs, which is an international firm that could be anywhere in the world, for the first time is going to be incurring a first year charge of \$11,736 and a second year charge of \$19,560. Is that competitive in terms of retaining firms? And then you look down at churches, schools, all kinds of things I've listed here, but look at auto dealers as well – Chipman and Taylor, our largest auto dealer, first year, almost \$2,000 assessment, second year, \$3,240. The auto dealers may soon go into bankruptcy and to limit them in terms of their financial capabilities by assessing a brand new charge that is totally, in our opinion, unwarranted for the benefits we feel is simply not justified.

And I have listings here for Jess Ford and Wysup Motors as you can see as well.

Should the Senate bill be passed in which funding is provided to WSU to meet stormwater costs, the figures shown would be an additional avoided cost to WSU. So you are providing some money directly through the email agreement that has been struck by President Floyd and Director Jay Manning to WSU so there would be an addition to monies provided – these costs would be waived. For its part, the city of Pullman would avoid paying on its own assessment under its stormwater utility, \$9,144 in year one and \$15,240 in year two. The Pullman-Moscow Regional Airport would avoid paying \$7,920 in year one and \$13,200 in year two. Airports are struggling. These are excessive expenses that they will have to bear in these very difficult times. So, in summary, we have been funding for two years since February of 2007 our stormwater costs out of our street fund. That has meant that we have very extensive damage in streets because of the increased cost cycle in Pullman and other factors. Streets have lacked repair because of the additional cost that we have had to incur because of stormwater. Now these costs are going to ratchet up. We are going to have to incur much additional expense, we are going to have to include additional staffing within our stormwater operation because of the year three requirement we are coming into. That is going to mean that will be more streets that will not be addressed and repaired in a timely manner. So in summary, we do request that you do look at Pullman in terms of its uniqueness, for filing a request to be excluded in a timely manner, for appealing in a timely manner, and for the numerous conversations that we have had and the numerous letters we have submitted seeking relief. And we want to just emphasize at the end the legislature does recognize the situation we are in and that has been reflected in the passage of the House Ways & Means Committee recommendation of the two year deferral. So, there is some legislative support, but we are appealing directly to the Department of Ecology – I know Department of Ecology does not believe the legislature has the authority – you definitely do – you are not going beyond, you are not violating the Clean Water Act if you give us a two year extension and we request that you do that. Thank you.

Rob Buchert?

Testimony of Rob Buchert:

Rob Buchert, stormwater services program manager for City of Pullman at 325 Southeast Paradise Street, Pullman, Washington, 99163. And, I won't read the whole letter which I plan on submitting to you guys prior to May 1, I'll just hit the highlights because the mayor and the city supervisor have already covered a lot of the things here, but I did want to reemphasize for the city to avoid continued imposition of an onerous stormwater utility fee on the Pullman community, especially during these difficult economic times, we are requesting that the expiration date of the permit be moved from February 2012 to February 2014; only this will provide the relief we so desperately seek for our residences and businesses. There are many requirements related to developing and implementing new programs within the NPDES Phase II municipal stormwater permit. This will take time, additional staff, and in some cases, expensive equipment to accomplish. Simply pushing the deadlines back a year or two within the existing timeframe of the permit does not provide the meaningful relief that we are requesting. All tasks must still be accomplished before February of 2012 and most of them are going to require years of preparation just to get started. With less than three years remaining in the permit cycle, time is definitely not on our side. The city expects to incur significant additional costs to comply with all the elements contained within the permit; however we anticipate that the pollution prevention and good housekeeping element, that's S5B6 will likely require the greatest effort. Comprehensive inventory, inspections and maintenance of the city stormwater infrastructure as required in the permit which has to happen twice before February 2012 will constitute a major undertaking for us and be challenging to meet under the current compliance schedule. I have a brief list of the estimate of the extent of our stormwater facilities just to give you kind of an idea of what kind of infrastructure we are dealing with here – 62 miles of streets that all have to be sanded and then plowed and swept, more importantly for stormwater swept, 1200 catch basins, 900 manholes, 37 miles of storm drain lines, 14 miles of natural drainage, 80 known outfalls to creeks and rivers, and over 95 – actually I think we are up to 110 now and counting – of public and private detention ponds and swales and other facilities. All of this that has to be inventoried, inspected and maintained twice in the next couple of years. Which we are actually down to two field seasons at this point – this coming summer and next summer so it's really going to be tough to fit all that in. So we realize that Ecology has valid reasons for not extending the permit expiration date to February 2014 – we would just hope that some consideration be made for the valid reasons we have brought to the table and the people that are being affected by this behind our request to grant the extension. So thank you for the opportunity to comment on this very important issue affecting our community.

Tammy Lewis?

Testimony of Tammy Lewis:

Thank you for allowing us to take some time to comment- I am approaching this from the business community side of the house so I'm not going to talk to you about stormwater – I'm going to talk to you about the impact to business in Pullman. The 450 members of the Pullman Chamber of Commerce and the rest of our business community all want clean water and we understand that that is the intent of these regulations but the impact on the Pullman business community will be devastating, especially during these difficult economic times. Here are some quotes from some of our business community:

Ed Schweitzer, President and founder of Schweitzer Engineering Laboratory, our second largest, actually our first largest private employer said “you are penalized to be a property holder or owner in Pullman, SEL seeks to place our facilities in cities fair, free, flat business practices. Washington State has moved itself out of this classification with the past and present administration. SEL is considering moving some of their air operations to Lewiston, Idaho due to the many DOE regulations constantly foisted upon them. SEL paid more than \$18,000 to install stormwater basins and grassy swales to meet current City of Pullman stormwater requirements. They are now being forced to pay again.”

Pastor Tom Weaver of Living Faith Fellowship said, “this is painful. It’s not like we can raise fees. We have to absorb it. We are being hit on all fronts.” Living Faith Fellowship is a nonprofit church facing stormwater fees of more than \$2,000 in the first year for stormwater improvements; they too spent money previously to install detention ponds on their property.

Chipman and Taylor Chevrolet you heard a little bit about – they employ 35 full time residents and in 2008 paid more than \$425,000 in B&O, payroll and property tax to the State of Washington. The auto industry has been hit hard this past year and the State continues to add to their woes. For an industry struggling to stay profitable, the addition of more fees could be the final straw.

Current building code requires nonpervious surfaces to display automobiles. By meeting this code, simply meeting this code, they are being penalized. “To add another \$3,600 dollars to our already burdensome tax bill is going to further decrease our profitability, making it harder and harder to justify staying in business.” Pullman has been blessed to have a handful of very active and successful developers who have transformed our business community. One of those now faces yearly fees nearing \$100,000 for the first year. Do you think he will continue to develop? Now is not the time to institute these regulations onto this community, or any community. You have made the decision to go beyond the federal requirements and you could have made the decision to reverse that decision. Since you refuse to do that, then we ask that you do not institute them during this difficult economic time. The business community of Pullman and the State will suffer – we ask that you consider postponing this effort until the economy settles out and the business communities are able to stabilize. I’m Tammy Lewis with the Pullman Chamber of Commerce, 415 N Grand Avenue, Pullman.

Keith Bloom?

Testimony of Keith Bloom:

I’m Keith Bloom, 355 Southwest State Street, Pullman, Washington, 99163. I didn’t come up here to represent the University, the City, the business – I drove my own vehicle and I burned my own gas because I am representing myself and every hardworking individual in Pullman who is a property owner that is tired of having this kind of stuff foisted upon them – us and I’m speaking for my wife and myself in particular for a business owner in downtown Pullman, this adds – I can’t say anything any better than Glenn, John, Tammy and Rob who spoke here, and Gene. They are right on the money. We have tried to work with Ecology from the very get-go, we have been timely in all of our responses to Ecology, we have been ignored at every turn with platitudes and tried to be placated with platitudes and promises that have led to nothing more than another regulation. I continue to use the term taxation without representation if there was representation, there would be cost benefit – there is no cost benefit to this particular NPDES permit. There is certainly cost, but the benefit either environmentally, socially or financially does not exist and no one has ever been able to come and produce one iota of information that says that this permit is valid and anything more than propagating non elected officials in bureaucracy . It’s smacks of eco-imperialism, it’s the tip of the iceberg and Pullman will continue to

argue against this type what we believe to be heavy handed legislation until we run out of breath. We've asked to be heard, we've produced the documentation – there is no evidence that this permit will clean up one drop of water. If it would, I would be all over it. If there is one hint of promise that we would clean up one drop of water with this particular pollution discharge, environmental permit, then I think you wouldn't find the type of backlash that you are seeing from the citizens of Pullman. We've tried to be polite, we've tried to argue reason and it is a heavy handed approach over and above the minimal requirements for the federal government and the Clean Water Act and we believe Ecology has acted improperly and you know, I have to get on board with the rest of the club – if you are not going to remove us from the requirements of the permit, please give us a break and everyone has used these economic times and I hate to be a claimer of doom and gloom, but it's tough to do business in Pullman and this makes it tougher and we've got to do business in Pullman. We want to be there. We want to provide services to the students that are shipped over from the other part of the state but the regulatory environment in the State of Washington is telling us to go to Idaho. They would like to have your money.

Is there anyone else who would like to testify before I close the hearing?

(Conversation between Bill Moore and Gene Patterson about an extension of the public comment period that is inaudible)

So right now as it stands right now, the public comment period ends at 5:00 pm on May 1 and your written comments must be received by then – is there anywhere on the website that tells them where to submit the comments?

Yes, on the Ecology website.

If you go to the Ecology website and there is a link on the handout you received – that gives you the address either electronically or by mail to send. All oral and written comments will be compiled into a document called a response to comments summary that states Ecology's official position on issues and concerns raised. The document will automatically be mailed out to everyone who provided oral or written testimony and the ultimate decision on whether or not to adopt the proposed modification will be made by Ecology director Jay Manning. On behalf of Department of Ecology, thank you for coming. I appreciate your cooperation and courtesy. The hearing is adjourned...(at this point, someone raises their hand and asks for an opportunity to testify before I close the hearing).

Testimony of Pat Wright:

Thank you. I'm Pat Wright, I live at 1020 SE Sunnymead in Pullman and I am here representing the city of Pullman and I would just like to share with you an editorial opinion that was issued by the Moscow-Pullman Daily News weekend edition January 10 and 11 of 2009. The headline says "Gregoire should tell Ecology to back off". (News document submitted to Bill Moore as part of the official testimony and will not be transcribed).

Anybody else?

Testimony of Susan Fagan:

My name is Susan Fagan, I live at 820 SE Edge Knoll in Pullman, Washington, I'm a member of the Pullman Chamber of Commerce and I'm also a member of the Pullman Chamber of Commerce Board of

Directors. I've been active in Pullman community for ten years. I am active in the business community – I have seen the activities of business and how they address the needs according to regulations to capture stormwater under construction. I've also seen – there is a sense that we are not recognized for the work that we do to capture stormwater and I think that would be something you are going to hear this over and over everywhere you go. It isn't just in tough economic times – yes we are in tough economic times, but right now we need to be spending every dollar wisely. When taxpayers look at you, you have to tell them that you are using taxpayer dollars as wisely as possible so I don't need to repeat what Tammy or Glenn or Rob or Keith have said, and others – we should walk away being able to hold our head high that we are using these tax dollars wisely and when Ecology itself admits that applying the regulations of the permit – that Pullman can't comply even when we follow the permit then I think we have to ask ourselves are we using taxpayer dollars as wisely as possible? And even when we come out of this recession I want state agencies to be able to look at us as taxpayers and say we are using your tax dollars as wisely as possible and I cannot see that happening now. Thank you very much.

Anyone else? Ok, I'm going call this hearing closed at 3:40 pm. Thank you for coming.

End hearing